

MONTANA LEGISLATIVE HISTORY

Chapter 22 19 61

Bill H _____ S 28 Original bill & history ____C

H. Committee on Judiciary

Hearing Date(s) Feb 20 ✓ C

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Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) _____ C

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These minutes for the
S. Judiciary Comm. were not recorded.

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

February 1, 1961

JUDICIARY COMMITTEE

Meeting of the House Judiciary Committee was held at 8 a.m. on Wednesday, February 1, 1961. Chairman Haughey presided.

Upon roll call all members were present except Cerovski and Bush. Mr. Blewett was excused.

House Bill No. 330 was considered. Motion was made by Mr. Bradford and seconded by Jensen of Lake that House Bill No. 330 Do Not Pass. Motion carried.

House Bill No. 126 was taken up. Motion was made by Bradford and seconded by Jensen of Lake that House Bill No. 126 Do Not Pass. Motion carried.

House Bill No. 246 was considered. Mr. Stimatz gave his report. Motion was made by Bradford and seconded by Stimatz that House Bill No. 246 Do Not Pass. Motion carried.

House Bill No. 270 was taken up. After brief discussion it was decided to Pass House Bill No. 270 for the day.

House Bill No. 294 was considered. Motion was made by Bradford and seconded by Keller that House Bill No. 294 Do Pass. Motion carried.

House Bill No. 102 was considered. Motion was made by Bradford and seconded by Dykstra that House Bill No. 102 Do Pass. Motion was withdrawn and House Bill No. 102 was passed for the day.

House Bill No. 385 was considered. Bradford moved and seconded by Dykstra that House Bill No. 385 Do Not Pass. Substitute motion was made by Lucas and seconded by Conklin that House Bill No. 385 be postponed for the day. Motion carried.

House Bill No. 395 was considered. Jensen of Lake explained this bill. After brief discussion it was decided to await Mr. Hazelbaker's appearance on this bill.

Senate Bill No. 28 was taken up. Motion was made by Keller and seconded by Jensen of Lake that Senate Bill No. 28 be amended to read \$6,000.00 and as so amended Be Concurred In. Motion lost. Jensen moved and seconded by Bradford that Senate Bill No. 28 in its original form Be Concurred In. Motion carried.

Providing for vocational rehabilitation of disabled workmen.

of Montana shall refer to the vocational rehabilitation division of the board of education of the State of Montana workmen who have become permanently disabled as a result of injuries sustained within the scope and course of employment by an employer insured under plan three of the workmen's compensation act of the State of Montana and who in the opinion of said board can be vocationally rehabilitated, and said vocational rehabilitation division shall provide for the vocational rehabilitation of such injured workmen under the provisions of title 41, chapter 8, Revised Codes of Montana, 1947, and amendments thereto.

Review by industrial accident board.

Section 2. When said vocational rehabilitation division has provided all feasible vocational rehabilitation to such an injured workman, or has determined that vocational rehabilitation is not possible or feasible, it shall certify its determination to said industrial accident board, at which time said board shall reconsider and review any previous award of compensation to such injured workman which is then in effect.

Payments allowed while training.

Section 3. The eligibility of any injured workman to receive other benefits under the workmen's compensation act of the State of Montana shall in no way be affected by his entrance upon a course of vocational rehabilitation as herein provided, but he shall be paid, in addition thereto, upon the certification of the vocational rehabilitation division from funds herein provided, (1) his actual and necessary travel expenses from his place of residence to the place of training, and return, (2) his living expenses while in training away from home in an amount not in excess of thirty dollars (\$30.00) per week, his expenses for tuition, books and necessary equipment in training.

Section 4. As used herein the masculine shall include the feminine.

Board to allocate funds to vocational rehabilitation division.

Section 5. For the biennium commencing July 1, 1961, the industrial accident board shall allocate one hundred thousand dollars (\$100,000.00) from the catastrophe reserve fund of the industrial insurance fund to the vocational rehabilitation division for the purposes of this act. The state treasurer shall be the custodian of said amount allocated, which shall be used only for the vocational rehabilitation of workmen injured within the scope and course of employment by an employer insured under plan

three of the workmen's compensation act, as herein provided.

Section 6. Employers or insurance carriers providing workmen's compensation coverage under plan one and plan two of the workmen's compensation act of the State of Montana may certify workmen permanently injured in the course and scope of their employment, on a voluntary basis, to the vocational rehabilitation division of the board of education of the State of Montana, whenever such employer or insurance carrier shall arrange, under such regulations as the vocational rehabilitation division shall make, for the payment of the expenses of rehabilitation in like manner and amounts as herein before provided for workmen injured in plan three employment. When any such plan one or plan two employer or insurance carrier shall so assume the expense of rehabilitating an injured workman, the other provisions of this act shall apply in like manner as in the case of workmen injured in plan three employment.

Employer or carrier may assume expenses of rehabilitation.

Section 7. No part of the funds allocated or contributed as herein provided and contemplated shall be used in payment of administrative expenses of the industrial accident board or vocational rehabilitation division.

Limitation on use of funds.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 14, 1961.

CHAPTER 22

An Act Amending Chapter 19 of Title 93, Revised Codes of Montana, 1947, and Sections Therein Contained, Being 93-1901, 93-1902, 93-1903, 93-1904, 93-1905, 93-1906, 93-1907 and 93-1908, Relating to Court Stenographers; Deleting Therefrom Reference to the Term 'Court Stenographer' and Substituting Therefor the Term 'Court Reporter'; Amending Section 93-1906, Revised Codes of Montana, 1947, as Amended by Chapter 19, Session Laws of 1955, Further by Providing for Salary Increase to the Sum of Six Thousand Six Hundred Dollars (\$6,600.00) Per Year; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 93-1901 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

District judge may appoint reporter.

"93-1901. (8928) **Appointment of court reporters.** The judge of a district court may appoint a *reporter* for such court, who is an officer of the court, and holds his office during the pleasure of the judge appointing him, that he must subscribe the constitutional oath of office, and file the same with the clerk of the court. In districts where there are two or more judges, each judge may appoint a *reporter*."

Amending clause.

Section 2. That Section 93-1902 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Duties of reporters.

"93-1902. (8929) **Duties of reporters.** Each *reporter* must, under the direction of the judge attend all sittings of the court, take full stenographic notes of the testimony, and of all proceedings given or had thereat, except when the judge dispenses with his services in a particular cause, or with respect to a portion of the proceedings therein. The *reporter* must file with the clerk forthwith the original stenographic notes taken upon a trial or hearing required to be taken by this section."

Amending clause.

Section 3. That section 93-1903 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Written record must be filed.

"93-1903. (8930) **Same.** All objections made, the rulings, decisions, and opinions of the court, and the exceptions taken during the trial or hearing, must be written out at length or printed in type by the *reporter*, and filed with the clerk forthwith after the close of the trial or hearing, and thereafter such exceptions may be settled in a bill of exceptions, as provided in section 93-5505."

Amending clause.

Section 4. That section 93-1904 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Reporter to furnish copies.

"93-1904. (8931) **To furnish copies to parties, etc.** Each *reporter* specified in this chapter must likewise, upon request, furnish, with all reasonable diligence, to the defendant in a criminal cause, or a party or his attorney in

a civil cause, in which he has attended the trial or hearing, a copy, written out at length or in narrative form, from his stenographic notes, of the testimony and proceedings, or a part thereof, upon the trial or hearing, upon payment by the person requiring the same, the sum of five cents per folio for the copy written out at length, and seven and one-half cents per folio for the copy written out in narrative form. If the county attorney or attorney-general or judge requires such copy in a criminal cause, the *reporter* is entitled to his fees therefor; but he must furnish it, and upon furnishing it, he shall receive a certificate of the sum to which he is so entitled, which is a county charge, and must be paid by the county treasurer upon the certificate like other county charges. If the judge requires such a copy in a civil case to assist him in rendering a decision, the *reporter* must furnish the same without charge therefor. If it appears to the judge that a defendant in a criminal case is unable to pay for such copy, the same shall be furnished him and paid for by the county."

Payment of fees.

Section 5. That section 93-1905 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Amending clause.

"93-1905. (8932) **Amount to be paid by each party in civil action.** In every issue of fact in civil actions tried before the court or jury, before the trial commences, there must be paid into the hands of the clerk of the court, by each party to the suit, the sum of three dollars, which sum must be paid by said clerk into the treasury of the county where the cause is tried, to be applied upon the payment of the salary of the *reporter*, and the prevailing party may have the amount so paid by him taxed in his bill of costs as proper disbursements."

Payment of fees for salary of reporter.

Bill of costs.

Section 6. That section 93-1906 of the Revised Codes of Montana, 1947, as amended by chapter 19, Session Laws of 1955, be and the same is hereby amended to read as follows:

Amending clause.

"93-1906. (8933) **Salary and expenses of reporter—Apportionment.** Every *reporter* appointed under the provisions of this chapter receives an annual salary of *six thousand six hundred dollars* (\$6,600.00) and no other compensation except as provided in section 93-1904, provided, however, that all transcripts and bills of exceptions required by the county shall be furnished without cost,

Salary of reporter.

payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The *reporter* is allowed, in addition to the salary and fees above provided, in judicial districts comprising more than one (1) county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary."

Additional allowances.

Amending clause.

Section 7. That section 93-1907 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Reporter pro tempore—appointment—oath.

"93-1907. (8934) *Reporter pro tempore*. The *reporter* of any district court must attend to the duties of his office in person, except when excused for good and sufficient reason by order of the court, which order must be entered upon the minutes of the court. Employment in his professional capacity elsewhere is not a good and sufficient reason for such excuse. When the *reporter* of any court has been excused in the manner provided in this section, the court may appoint a *reporter pro tempore*, who must take the same oath and perform the same duties and receive the same compensation during the time of his employment as the regular *reporter*."

Amending clause.

Section 8. That section 93-1908 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Certified transcript as prima facie evidence.

"93-1908. (8935) *Reporter's report prima facie evidence*. The report of the *reporter*, or *reporter pro tempore*, of any court, duly appointed and sworn, when written out in long handwriting, or printed in type, and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie a correct statement of such testimony and proceedings."

Section 9. Repeal Clause. Any act or part of any act in conflict herewith, in whole or in part, is hereby repealed to the extent of such conflict.

Repealing clause.

Approved February 14, 1961.

CHAPTER 23

An Act to Amend Section 75-1529, Revised Codes of Montana, 1947, Relating to the Publication of Annual Financial Statements of School Districts by the County Superintendent of Schools; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 75-1529, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"75-1529. **Publication of annual financial statements of school districts.** It shall hereafter be the duty of all county superintendents of schools to publish annually within *ninety* days of the close of the school year a statement of the financial conditions and transactions of all school districts in the county; said report shall be published once in some newspaper of general circulation printed and published in the county, and shall contain the following information:

County superintendent of schools must publish annual financial statement.

"First.—A statement of all moneys received by *each* school district in the county, and from what source derived.

Required information.

"Second.—A summary of all the moneys paid out, in each of the school districts of the county, showing the total amount expended in each district for *all general fund expenses, for all transportation fund expenses, for all bus depreciation reserve fund expenses, for all expenses of the self-supporting school lunch fund, for all tuition fund expenses, for all retirement fund expenses, for all debt service fund expenses, for all adult education fund expenses, for all housing and dormitory fund expenses, for all expenses of the miscellaneous federal funds for special purposes, for all building fund expenses* and any other miscellaneous expense."